

St. Louis,

April 7.

1879

Wm. Lloyd Garrison:

Dear Sir-

62 I think you will be glad to know of this moral gain in a Western City. It has been a long conflict, through full ten years, & every means has been used which the advocates of license could devise; but the victory is now complete, for 1st, they were beaten here in the City at the Polls, by a vote of two thirds, - and now in the Legislature by a Law which bars all renewal of the strife. I cannot but hope that it is a good result secured for the whole country, & even in Europe may help forward the "New Abolition" cause which M.^{rs} Josephine Butler & others are urging.

I remain Yrs Resp^t

W. G. Eliot.

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AN APPEAL
TO THE
LEGISLATORS OF MISSOURI.

Your special attention, as one of the Legislators of Missouri, is respectfully called to a Bill now before the Assembly, one section of which prohibits "all counties, cities, towns, and townships, from directly or indirectly licensing, ^{regulating} or placing under sanction of law, gambling or gaming houses, bawdy or disorderly houses, and houses of ill-fame or assignation, under any pretense whatever."

The necessity of some such enactment proceeds from the fact that in all our large cities the expediency of some kind of licensing and "regulating" system for the misdemeanors named is under frequent discussion, and in St. Louis there is great danger of municipal legislation to that effect. Under pretext of sanitary protection, or for the sake of increasing the facility of police control, measures are devised comparatively harmless in their first aspect, but really designed to introduce, and which would be effectual to introduce, a full license system at the pleasure of the local authorities. For it has been distinctly declared by the Supreme Court of Missouri that *any*

form of legal "regulation" is inconsistent with legal condemnation, and is a bar to the prosecution or punishment of the alleged offence.

The forcible language of the Supreme Court, by Judge Lewis, is as follows :

"I cannot conceive a harmony between one rule which says a thing may be done in a certain way and another which says it shall not be done at all. The mind would revolt from a law 'regulating' murder or theft; and this only because it would imply that the act might be committed if done in conformity with the prescribed rules. The municipal ordinances and the State statutes are from a common source of authority. One class presents it in a delegated and the other in a direct form, but it is the power of the State which speaks in both. If that power says to the brothel-house keeper, 'you must keep a sign over your door, otherwise you shall be punished'; and in the same breath says, 'your house shall not exist at all, sign or no sign,' there is a manifest incongruity somewhere. In order to enforce any 'regulation,' it is first necessary to ascertain that the subject treated is a brothel house, and, when that is done, a co-existent absolute prohibition renders the idea of 'regulating' an absurdity. We are thus driven to choose between irreconcilable utterances, which shall prevail."—*Mo. Rep.* 58, p. 397.

Notwithstanding this clear decision, an amendment to the charter of St. Louis has been proposed and will come before the people at the polls March 11th of this year, in the following words :

"Sec. 15. The Board of Health is authorized and required from time to time to recommend, and the Municipal Assembly shall have power to pass such ordinances in relation to houses of ill-fame and prostitution, as they consider necessary to prevent or check the spread of venereal diseases in the city, but such ordinances shall always be consistent with and subject to the constitution and laws of the State."

The last clause of said amendment is no better than mockery under any fair construction of the constitution and laws and in the light

of the Supreme Court's decision, *except by some interpretation of the statutes which may take St. Louis from under the laws of the State*. This would be, practically speaking, special legislation of the worst kind and its possibility should be precluded. Surely it was never intended that the criminal laws should be of different application in different parts of the State; that gambling or prostitution or any other immorality should be treated as a crime or misdemeanor everywhere else, but *as a lawful and protected industrial pursuit* in its principal city.

Such legislation would be a serious detriment and a great moral calamity to every part of Missouri. Every city, town and village would in the course of a few years feel a lowered tone of morals, and the extension of a system of licensed iniquity would become inevitable. The relations between its principal city and the State at large are very close. The latter may be and undoubtedly is the great conservative power, but the city sends back an influence continually, for good or evil, which cannot be easily resisted. Let St. Louis be permitted to become the chartered home of legalized gambling or prostitution, the "city of refuge" to which men can come with assurance of non-interference by the police and with imagined though false security from the physical penalties of wrongdoing, and it requires no prophet to see what would be the contaminating effect, not only to the wrong doers themselves, but in the communities to which, with increased debasement of character, they return. Large cities are, at best, but doubtful schools of morality. Give to vice the sanction of law, place bawdy houses under legal guardianship, make provision for lust so that there can be the "maximum of licentiousness with the minimum of risk," and the weakness of human nature will insure the result to those who, freed from home restraints, are only too ready to find excuses for sin.

It is the bounden duty, therefore, of the State at large, through its General Assembly, to watch over the development of its large cities, and by exercise of its conservative power to check the beginnings of wrong.

The "autonomy," or right to self-government, so liberally conferred upon St. Louis by its new charter, was intended for good, not evil. It is freedom to legislate for the best public interests, in accordance with the universally recognized principles of common law, not by their subversion. It is autonomy "subject to and in harmony with the constitution and laws of the State," which are and must be of uniform force and like interpretation. To declare that gambling or prostitution is no misdemeanor and not subject to legal penalties, is not freedom, but license; not obedience to law, but resistance; not autonomy, but separation.

The legislators, educators and conservative citizens of Missouri, then, are under obligation most carefully to consider the subject in its broadest aspect, with all its far-reaching applications, before they grant to any of its cities exemption from its penal code or the right directly or indirectly to annul its statutes.

When the bill now before the General Assembly becomes the recognized law of the State, the whole subject will be put at rest. Otherwise, it will be the cause of endless and embittered discussion, with continually renewed and enlarging efforts to legalize vice and crime. Firmly to maintain the sanctity of law and the great principles of social and domestic morality is the only sure protection of the commonwealth.

AS TO SANITARY LEGISLATION and measures adapted to lessen or prevent diseases generally consequent upon vice, all humane persons agree that whatever can be done consistently with the recognized laws of morality and without condoning the wrong act itself,

ought to be done. By proper facilities of Hospital and Dispensary treatment, by subjecting all who are convicted under the law to medical inspection and care, and by other methods which judicious experience may devise, everything needful may be done without violating either the letter or spirit of the statutes.

But, in this connection, two principles may be confidently laid down, both of them confirmed by common sense and experience. First, that all sanitary methods, if honestly intended, must apply equally to both sexes. It is the height of absurdity and proves the insincerity of those who talk so much of the horrors of disease and the protection of the innocent wives and children of licentious men, to exempt the men themselves from all sanitary supervision and control. If any distinction must be made it should be against the man, not in his favor; for he, unsuspected, carries the contagion wherever he goes, and neutralizes all sanitary precautions as applied to fallen women when brought under the "regulation" laws.

Another assertion equally important and still more comprehensive may be made, and is beyond doubt; that, whatever legislation increases the amount of vice and lowers the tone of social morality must, of necessity, increase the total amount of physical danger and harm. No degree of medical inspection and skill can practically counterbalance the increased number of the exposed. In point of fact, the real gain in safety to the offender is, at best, very insignificant, under the most favorable circumstances, as the statistics of "regulation" systems prove; but the delusive expectation of safety betrays many into sin.

These considerations sufficiently explain the practical failure of such systems wherever they have been tried for a long series of years, no matter how faithfully enforced.

Look, for example, to the experience of the British troops in

Bengal. "In an army of 38,000 men the ratio of disease increased in a single year, under the pernicious influence of the Regulation Act, over twenty-nine per cent., from the causes of supposed safety, while the women were sufferers to an equal degree." So the official record declares.

In Brussels, a small city, where the Parisian rules are enforced even more rigidly than in Paris, out of 666 women, of whom 315 were registered and 350 clandestine, the number sent to hospital in course of the year 1868 was 381, or over fifty per cent.

At the Hague, in Holland, Dr. Huet, Prefect of Police, says: "The number of 'clandestine' women cannot be estimated and are continually increased. You ask me if the laws of regulation work well for morality. I reply, No! Do they work well for suppression of syphilis? I reply, No! Do they really diminish disease? My opinion is, No, no, no!" Such is the testimony of one who combines the qualifications for judgment of a surgeon and prefect of police.

BUT TO THE EXPERIENCE OF PARIS

we must turn as the strongest authority, and it is here that we find the severest condemnation of all. I have before me a great mass of statistics which rests upon the authority of Duchatelet, Lecour, Lefort, and others who have the sanitary interests of the city in their charge, and the testimony is all in one way. With extreme difficulty, by all the skill of men and women detectives, and at the cost of great severity on the part of the police, less than one-seventh of the known profligate women are kept on the registration and inspection list. Among these the greatest degree of skill is exercised, but Ricord, Ratier, and Sandouville say that weekly inspection is merely absurd, and to be effective it must be made every second or third day with the closest scrutinizing care. As the general result, Lefort,

the hospital surgeon, says "the inspections do not suffice. As it is, syphilis is increasing in Paris, not only because of the clandestine prostitutes (of whom twenty per cent. are diseased), but because the examinations of the registered do not answer their end." This testimony is conclusive, and yet more positive is that of M. Lecour, Chef du Bureau des Mœurs, the man responsible for carrying out this system in Paris, who has recently drawn up a statistical report for Governmental use, showing complete failure, and closing with these words; "Therefore we see that by science we have not diminished but increased the evil."

Does anything more need to be said? Surely, it is not wise for American cities to begin such a career of infamy to end in so pitiable a result.

Most respectfully these facts and considerations are presented by one who claims to be a practical man and

A CONSERVATIVE CITIZEN.

February 6, 1879.

March 28, 1879. State Ho. Reps.

The Senate bill prohibiting cities and towns from licensing bawdy and gambling houses, commonly known as the "Phelan bill," was taken up and passed finally—yeas, 106; nays, 2.

*Approved by the Governor &
is now the Law of the State.*

Apr. 7. '79.

